

HCR 97: Report on Animal Control and Care

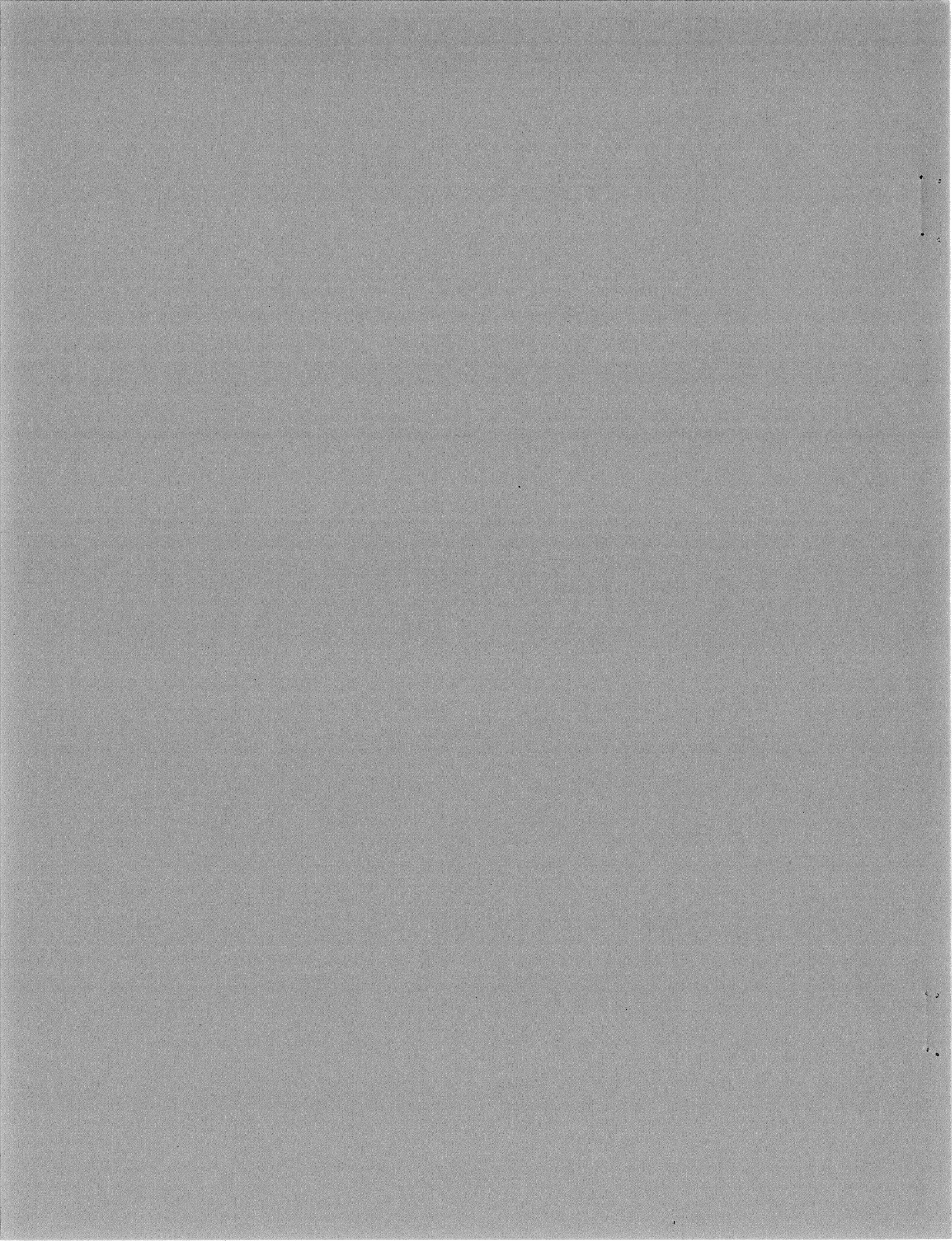
Prepared by:

**Interim Joint Committee
on
Agriculture and Natural Resources**

Research Memorandum No. 477

**KENTUCKY
LEGISLATIVE RESEARCH COMMISSION**

October 1997



MEMORANDUM

TO: Don Cetrulo, Director

FROM: Senator Ernie Harris, Presiding Vice-Chair
Rep. Herbie Deskins, Co-Chair
Interim Joint Committee on Agriculture and Natural Resources

SUBJECT: HCR 97: Report on Animal Control and Care

DATE: September 30, 1997

In the 1996 regular session, the General Assembly passed House Concurrent Resolution 97, mandating that the Interim Joint Committee on Agriculture and Natural Resources conduct a study of animal control problems in the state. The committee was to report its findings to the Legislative Research Commission before October 1, 1997.

The following memorandum presents the results of that study.

House Concurrent Resolution 97 directed the interim joint committee to review the current requirements under KRS Chapter 258 relating to dogs, and to review the current animal control problems in the state. Specifically, the study was to include a review of the current dog licensing program, the dog pound requirements, and the Livestock Fund.

In addition, the resolution mandated that the interim joint committee examine alternate funding sources for improving animal control and care programs, and to recommend a mechanism for reviewing programs, establishing standards, and disbursing funds.

The data gathered for this memorandum came from a variety of sources. Written correspondence was collected and personal interviews were held with individuals and agencies that are involved with animal control and care, including animal shelter representatives, animal control officers, state and local government officials, farm bureau representatives, humane society members, and private citizens. These sources repeatedly pointed out that while much has changed over the past 40 years regarding the methods and philosophies of controlling stray animals, the law, for the most part, has not.

This research memorandum addresses animal control problems as perceived by the various agencies and individuals interviewed. Each problem is individually reviewed, with recommendations and suggestions following each review. The following topics are discussed:

- Current dog licensing program;
- Livestock fund;
- Dog pound requirements;
- Alternate funding sources; and
- Mechanisms for reviewing programs, disbursing funds, and establishing standards.

As HCR 97 addresses the topics previously mentioned, the reader should be aware that some statutory provisions may overlap, and consequently some suggestions may appear in more than one area of the report.

CURRENT LICENSING PROGRAM

The current dog law was drafted in 1954 (See Attachment A). The primary purposes of the law were to address the problem of rabies control and to protect livestock producers from loss of livestock due to dog attacks. Although rabies control is not a topic of discussion in this study, it should be

emphasized that if a rabies outbreak does occur in this state, it could quickly reach epidemic proportions without proper animal control provisions being in place.

The Commissioner of Agriculture is required to enforce the provisions of the law that relate to the licensing and regulation of dogs and the protection of livestock from damage by dogs (KRS 258.105). The commissioner is also required to promulgate administrative regulations for the enforcement of the licensing provisions of the law (KRS 258.105). Currently, there is one administrative regulation that relates to licensing dogs and four that relate to the livestock fund. The administrative regulations were promulgated in 1975 and have seen no changes since then. (See Attachment B).

Kentucky law requires that every dog six months of age or older be licensed (KRS 258.135). Officials at the Department of Agriculture conservatively estimate that there are approximately 737,000 such dogs in Kentucky, of which approximately 88,000 are actually licensed. This means that there are approximately 649,000 unlicensed dogs in Kentucky. At \$1.50 a head, this translates into \$973,500 in lost revenue each year. Of this amount, half would go back to the counties, and half would go to the livestock fund.

The extent of noncompliance with the licensing provisions of the dog law is demonstrated by the fact that almost half of the counties in the Commonwealth sell fewer than 100 tags a year. Several don't sell any. Jefferson County sells more dog licenses than the rest of the state combined (over 48,000 in FY '96-'97).

The dog law also requires each county's fiscal court to employ a dog warden (KRS 258.195). The dog warden is required to keep records of licenses issued and is to send monthly license sales records to the Department of Agriculture (KRS 258.185). The department estimates that of the 120 counties, 108 have a dog warden. It is reported that many dog wardens are appointed in name only, to allow counties to technically be in compliance with the law. Some counties contract with individuals to be the dog warden, but provide little or no funding to enable the wardens to perform any services.

The Department of Agriculture annually distributes dog and kennel tags to authorized agents to sell to dog owners. These agents are to submit monthly reports of the number of tags sold. The department reports that there are 144 agents in the state authorized to issue these tags. In fiscal year '96-'97, only 37 complied with the monthly reporting requirement. Thirty-seven sent in some reports; 69 sent in no monthly reports (they submitted an

annual report after being audited by the department). One county judge refused to accept dog tags from the department.

The law also requires dog owners to pay a fee of \$1.50 to the dog warden to license their dog (KRS 258.135). The dog warden is allowed to retain \$.25; the rest is sent to the Department of Agriculture. The department reimburses \$.50 to the county selling the tag, to help meet the expenses of the dog warden and the county's dog pound plan. The remainder goes into the livestock fund, to provide reimbursement to livestock producers whose livestock are damaged or killed by dogs or coyotes.

The statutes require that an advisory committee be named by the Governor to advise the commissioner in the enforcement of the dog laws (KRS 258.115). According to the Department of Agriculture, the committee is non-functional and has not been active for some time.

It should be mentioned that the statutes do not prohibit a local government from enacting its own ordinances relating to the regulation of dogs (KRS 258.365). A local government is thus allowed to impose a licensing fee in addition to the one required by state law, and, in fact, several communities have implemented local licensing fees. While not a major statewide problem at this time, these local fees are apparently contributing to the noncompliance issue relating to collecting the state-mandated dog license fee. There is evidence that local agencies are collecting the local fee but not collecting the state fee. There is an increased possibility that as more communities enact these local licensing fees, the collection of the state fee will diminish even further.

Various approaches have been suggested to help remedy the problems the current licensing program faces:

1. Require the Commissioner of Agriculture to better enforce existing laws relating to licensing;
2. Have the current Dog Law Program Coordinator in the Department of Agriculture make on-site examinations of facilities and personnel in the various counties, to verify compliance with the licensing and reporting provisions of KRS Chapter 258;
3. Have the Commissioner put counties on notice if they are not in compliance with particular provisions of the dog law. Counties that don't comply within a specified time frame would be penalized in accordance with KRS 258.990;

4. Increase the current \$1.50 licensing fee and increase the portion of the fee that is retained by the counties (currently \$.25 to dog wardens and \$.50 to local governments), making it more feasible economically for counties to hire dog wardens and enforce the dog laws;

5. Have the Governor reactivate the advisory committee to assist the Commissioner in the enforcement of the dog laws;

6. Encourage veterinarians to sell dog licenses when rabies vaccinations are given;

7. Develop a system to inform the general public about its responsibility regarding licensing laws;

8. Give dog wardens the powers of police officers in enforcing KRS Chapter 258;

9. Establish minimum training and eligibility requirements for dog wardens;

10. Increase noncompliance penalties for dog owners;

11. Require minimum record-keeping standards for dog wardens;

12. Require local governments with their own licensing programs to collect the state fee at the time the local fee is collected;

13. Allow dog wardens to appoint agents to sell licenses, with approval of fiscal court; and

14. Expand duties of dog wardens beyond merely selling licenses and turning in monthly reports.

LIVESTOCK FUND

The livestock fund was created as a revolving fund from which all expenses of the department involving the administration of the dog and livestock programs shall be paid (KRS 258.125). This fund is to help pay livestock producers for losses to their stock from dogs and coyotes. In addition, if an individual suffers personal injury or personal property injury as a result of being bitten by a dog, he may collect from the fund. Expenditures from the fund are not to exceed \$200,000 in any fiscal year without the approval of the advisory committee, and any balance over \$200,000 on January 1 of each fiscal year reverts to the general fund.

The reimbursement rates for loss of livestock are listed in 302 KAR 5:040. These rates limit livestock producers to a fraction of what their animals are worth in today's marketplace. The reimbursement rates in the statutes were revised in 1988 (KRS 258.295), effectively doubling the rates in the regulations. However, the statutes say "...payment shall not exceed...." The administrative regulation has never been amended to reflect the increase allowed in the statutes. There appears to be a conflict in opinion as to whether the rates in the regulation or the statutes apply. The Department is currently using the higher rate, but even that rate is below current market value.

An observation made by several of those interviewed was that most counties that can collect from the livestock fund are not paying their fair share into the fund. The reasoning is that because those counties are not strictly complying with the licensing provisions of the law, potential revenue for the fund is going uncollected. While this is not always true, it is generally accurate. In FY '96-'97, 56 claims from 24 counties were approved, totaling \$12,600. Thirteen of the 24 counties received more from the fund than they paid in. In one county, only \$33 was credited to the fund, yet producers collected over \$1800. In another, \$54 was credited to the fund and over \$3300 was collected. On the other hand, Jefferson County paid over \$37,000 into the fund but didn't make one claim.

Statutory as well as regulatory requirements determine whether a producer or individual is eligible to collect from the fund. These requirements can result in a claim being declared invalid. In FY '96-'97, there were 14 claims from 11 counties (totaling over \$5700) that were denied. While some were denied for such reasons as a herd being covered by insurance (regulatory) or the livestock owner being paid by the dog owner (statutory), half were denied either because the livestock owner owned an unlicensed dog (statutory) or the county didn't have a dog warden or dog pound (regulatory).

Administrative regulation 302 KAR 5:060 states that in order for a livestock producer's claim to be considered for approval, the county must comply with four provisions:

1. It must have a dog warden,
2. It must have a dog pound,
3. The dog warden must offer dog licenses for sale, and
4. The dog warden must be an agent of the department for the purpose of appraising livestock.

In cases involving personal injury or injury to personal property other than livestock, there is a statutory limit of \$250 on any one claim (KRS 258.275).

The livestock fund began FY '96-'97 with a balance of approximately \$176,600. During the year, the fund's share of income from the sale of dog licenses in Kentucky amounted to approximately \$68,400. Expenditures totaled approximately \$70,900, of which \$12,600 was in claims paid to livestock producers for loss of livestock. The remaining costs (\$58,300) were incurred from administering the dog law and livestock program. These administrative costs have only recently begun to be charged to the fund, as the current Dog Law Program Coordinator is working full-time in the area of dog law compliance. Previous administrators had other duties and their budgets came out of the department's general fund. The balance in the livestock fund at the end of the fiscal year was approximately \$174,100.

The large balance and small number of claims from the livestock fund might indicate to some that farmers aren't suffering many livestock losses in the state. This isn't necessarily so. The lack of use of the livestock fund can probably be attributed to three main factors; many livestock producers aren't aware of the existence of the fund, the low reimbursement rate discourages a lot of producers from going through the process of making a claim, and, several counties don't comply with the four criteria spelled out in 302 KAR 5:060, making their producers ineligible to receive a claim.

Another interesting item that relates to the livestock fund is the requirement in KRS 258.990 that all fines collected from any person who violates the dog law, after costs, be paid to the Department and credited to the livestock fund. According to the Dog Law Program Coordinator, no fines have ever been credited to the fund from any counties, nor has the Department ever issued any fines against anyone for violating the dog law.

The following suggestions have been made relating to the livestock fund:

1. Amend the statutes and administrative regulations to increase the reimbursement rate for animals killed or injured by dogs or coyotes;
2. Develop a system to inform the general public about their rights to reimbursement from the fund;
3. Require all counties to comply with 302 KAR 5:060; and
4. Forbid counties to collect more from the fund than they put in unless they are in substantial compliance with KRS Chapter 258.

DOG POUND REQUIREMENTS

KRS 258.195 requires the fiscal court of each county to establish and maintain a dog pound, to jointly operate a dog pound with other counties, or to use existing facilities of pounds already being operated by other organizations. This section of the law also gives fiscal courts the authority to promulgate administrative regulations relating to dog pound standards. There are no specific statutory or regulatory guidelines to indicate what standards dog pounds should meet or what criteria should be used in developing a dog pound plan.

The Department of Agriculture reports that 100 of the 120 counties have dog pounds. Because of the lack of guidelines or statutory requirements, however, many pounds have substandard living conditions for the animals they house. Some counties use run-down barns as dog pounds; others do no more than fence off a vacant lot. Many pounds are open for only a few days a week, with no set hours of operation. Other pounds charge fees to accept animals from owners who no longer want their pets, leading some owners to simply abandon the animals.

Several ideas on dog pound requirements were suggested:

1. Enforce the existing provisions of the law requiring dog pounds, and penalize offenders;
2. Adopt statewide minimum standards relating to dog pound construction and maintenance;
3. Adopt criteria for requiring shelter operators to make public the location and hours of operation of local animal shelters;
4. Develop regional animal shelters to service multiple counties, collectively funded by the counties;
5. Require that cats/kittens be accepted at dog pounds;
6. Utilize independent inspectors to monitor dog pounds and regulate their compliance with health codes; and
7. Lower the fees charged for accepting animals from private individuals.

ALTERNATE FUNDING SOURCES

Implementing a humane and comprehensive animal control program is a multi-faceted process that is dependent on adequate financial resources. Most communities would blame their animal control problems on a shortage of funding. Increasing fees is likely to elicit constituent complaints. Nevertheless, without a proper funding mechanism, no community can expect to be able to effectively manage an animal control program.

The existing license fee of \$1.50 is probably inadequate to properly address most countys' funding problems. The following suggestions were based on that assumption:

1. Amend the statutes to increase the dog license fee and the amounts that local governments may be reimbursed from the fee;

2. Encourage local governments to implement local licensing fees in addition to the state fee;

3. Create a pet foods surtax on all dog and cat food and use the proceeds to assist communities in establishing and maintaining animal control programs and facilities;

4. Reduce the mandatory holding period in pounds from 7 days to 5 days. This would reduce costs to animal shelters;

5. Charge a higher licensing fee for unaltered animals;

6. Create a specialty automobile license plate, with funding going to local government animal control programs;

7. Create a mandatory unneutered pet license surcharge;

8. Look for sources of grants from private and government sectors;

9. Allow counties to retain their share of license fees rather than remitting them to the state to be reimbursed later;

10. Provide an affordable, accessible spay/neuter program;

11. Require cats and other pets to be licensed; and

12. Increase penalties for violating the provisions of KRS Chapter 258.

MECHANISMS FOR REVIEWING PROGRAMS, DISBURSING FUNDS, AND ESTABLISHING STANDARDS

In order to implement a comprehensive animal control program, several components are needed; adequate dog shelters and trained dog wardens in each county, strict enforcement of the licensing law, and a program to educate the public about responsible pet ownership, including spaying/neutering of their animals. For these things to occur, adequate funding and minimum standards must be adopted. The existing dog law addresses some of these matters, but not adequately, according to many advocates of animal control.

In discussing mechanisms for reviewing programs, disbursing funds, and establishing standards, most of the contacts interviewed felt that improvements could be made in all of these areas and several suggestions were presented for consideration:

1. Have the Governor re-establish the advisory committee or create a new committee and utilize it to assist the commissioner in enforcing the provisions of the dog law;

2. Authorize the Dog Law Program Coordinator to conduct statewide training sessions to inform local animal control officials and others involved with animal control of their statutory obligations. Also, train these people in the proper method of completing required reports;

3. Authorize the Dog Law Program Coordinator to train Department of Agriculture personnel who are responsible for dog tag pickup and delivery;

4. Amend the administrative regulations that relate to the livestock fund evaluation to more accurately reflect current prices for different livestock;

5. Adopt statewide minimum standards relating to dog pound construction and operation;

6. Establish an animal control advisory board that would assist the commissioner in establishing animal control and care standards and in reviewing local animal control programs;

7. Create an independent board to establish animal control and care standards and review local animal control programs. Standards could be based on national humane society guidelines;

8. Require that animal euthanasia conform to uniform, statewide methods approved by the American Veterinary Medical Association or the Humane Society of the United States;

9. Require that euthanasia be administered by a trained and licensed individual; and

10. Use sodium pentobarbital as the method of euthanasia.

Attachment A

This printing of a portion of the Kentucky Revised Statutes does not constitute an official or certified version of these statutes and is provided for informational purposes only. The certified versions of the Kentucky Revised Statutes are used in judicial and administrative proceedings under KRS 7.138(2) and provide current supplementation; they should be consulted for all matters requiring reliance on the statutory text.

**CHAPTER 258
DOGS**

Rabies Control

258.005 Definitions for KRS 258.005 to 258.085 and subsections (1) and (2) of KRS 258.990.

As used in KRS 258.005 to 258.085 and subsections (1) and (2) of KRS 258.990, unless the context requires otherwise:

- (1) "Dog" means any member of the canine family.
- (2) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog or has it in his care, or permits it to remain on or about premises owned or occupied by him.
- (3) "Veterinarian" means a licensed practitioner of veterinary medicine.
- (4) "Qualified person" means a person granted a permit by the secretary for human resources to vaccinate animals against rabies and may include owners or operators of licensed kennels.
- (5) "Vaccination" means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with the regulations of the secretary for human resources.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 1, effective June 17, 1954.

258.015 Dogs to be vaccinated against rabies -- Issuance and distribution of certificates -- Tags.

Every owner shall have his dog initially vaccinated by the age of four (4) months and revaccinated against rabies at the expiration of the immunization period as certified by the veterinarian. The veterinarian or qualified person who vaccinates a dog shall issue to the owner thereof a vaccination certificate on a form prescribed and supplied by the Cabinet for Human Resources. The vaccination certificate shall be prepared and issued in triplicate, one (1) copy to be retained by the issuing veterinarian or other qualified person, one (1) copy to be given to the owner of the dog vaccinated, and one (1) copy to be forwarded by the veterinarian or qualified person to the local health department, or, if none is maintained, to the Department for Health Services. Each certificate shall bear the name and address of the veterinarian or qualified person who issued it. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing a serial number and after January 1, 1980, the year of expiration of the immunization period. The tag may bear the name of the veterinarian or qualified person issuing it. It shall be affixed by the owner

to a collar or harness furnished by him and shall be worn by the dog for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the dog. Prior to their initial officially-recorded vaccination against rabies, all dogs shall be confined to the premises of the owner.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 2, effective June 17, 1954.

258.025 Secretary may exempt dogs from vaccination.

The secretary for human resources, in his sound discretion may by such rules and regulations as he deems advisable:

- (1) Exempt from the provisions of KRS 258.015 the owners of dogs in any county or counties in which the incidence of rabies decreases sufficiently to warrant this action;
- (2) Exempt from the provisions of KRS 258.015 the owners of dogs which are brought into this state for a period not to exceed thirty (30) days.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 3, effective June 17, 1954.

258.035 Dog vaccinated in other state need not be revaccinated.

Any owner who has had his dog vaccinated against rabies in another state by the proper authority therein shall not be required to have such dog revaccinated when brought into this state provided the requirements of such state under which the vaccination was made were of a standard not lower than those required in this state and provided further that such dog wears a tag affixed to his collar or harness bearing the date of such vaccination. One (1) year after the date of such vaccination such dog must be revaccinated unless provided otherwise by the rules and regulations of the secretary for human resources. The secretary for human resources may make rules and regulations governing the matter of reciprocity with other states.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 4, effective June 17, 1954.

258.043 Mass immunization clinics.

- (1) Whenever a local board of health determines or is notified by the Cabinet for Human Resources that the rabies immunization level among dogs is low in the county or any portion thereof, the local health department shall sponsor mass immunization clinics at strategic locations and intervals throughout the area designated. The local health department shall contract with local veterinarians to administer the vaccine. If the services of veterinarians are not available in the area, the local health department may contract with other veterinarians or qualified persons designated by the Cabinet for Human Resources. A reasonable fee, not to exceed five dollars (\$5), designated by the local board of health may be collected from each owner to help defray the cost of the clinic program.
- (2) Vaccination and licensing procedures may be jointly conducted at the clinics.

- (3) No owner shall be required to have his dog vaccinated at a public clinic if he elects to have his dog vaccinated privately by a veterinarian of his choice.

Effective: July 15, 1994

History: Amended 1994 Ky. Acts ch. 260, sec. 1, effective July 15, 1994.

258.055 Quarantine in case of rabies epidemic -- Emergency vaccinations.

Whenever a local board of health has reason to believe or has been notified by the Cabinet for Human Resources that there is danger that rabies may spread within the county or any portion thereof, the board shall publish a notice requiring owners of dogs or other specified animals in the area designated to confine the animals for such periods as may be necessary to prevent the spread of rabies. If it is deemed advisable in the interest of public health, the local board of health shall order all dogs in the area revaccinated against rabies, and if the local board fails or neglects to do so, the Cabinet for Human Resources may order the revaccination of all dogs or other animals in the area except animals that have been previously vaccinated within the past six (6) months under the provisions of KRS 258.005 to 258.085. The Cabinet for Human Resources may aid the local health department in the execution of such emergency vaccinations.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 6, effective June 17, 1954.

258.065 Physicians to report persons bitten by dogs and other animals.

Every physician shall, within twelve (12) hours after his first professional attendance of a person bitten by a dog, cat, or other animal report to the local health department the name, age, sex, color, and precise location of the person so bitten. If a child is bitten and no physician attends, the report shall be made by his parents or guardian. If an adult is bitten and no physician attends, he or the person caring for him shall make the report.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 7, effective June 17, 1954.

258.075 Secretary for human resources to administer rabies law.

The secretary for human resources may administer the provisions of KRS 258.005 to 258.085 and subsections (1) and (2) of KRS 258.990 through the local health departments and may make such rules and regulations and employ such personnel as are necessary to effectuate the purposes of KRS 258.005 to 258.085 and subsections (1) and (2) of KRS 258.990.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 8, effective June 17, 1954.

258.085 Quarantine of animals suspected of having rabies -- Head of dog suspected of being rabid to be sent to laboratory.

A health officer or his agent shall have the authority to quarantine for a period not to exceed one hundred eighty (180) days any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed ten (10) days any

animal which has bitten a human being or which exhibits symptoms of rabies. An animal so quarantined may be confined by the health officer at a designated place at the owner's expense. Whenever a dog dies with rabies or is suspected of having died with rabies or is destroyed because of having been suspected of being rabid, the owner thereof, whether the dog had been previously quarantined or not, shall at his own expense send the head of such dog to a laboratory approved by the secretary for human resources in the manner prescribed by the rules and regulations of the secretary for human resources.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 9, effective June 17, 1954.

258.087 City authorized to provide for more stringent regulation of rabies control.

Any city legislative body or fiscal court may, by the adoption of an appropriate ordinance or resolution, provide for more stringent regulation of rabies control in dogs, cats, and other animals than set forth in this chapter.

Dog and Livestock Protection

258.095 Definitions for KRS 258.095 to 258.365 and subsections (3) and (4) of KRS 258.990.

As used in KRS 258.095 to 258.365 and subsections (3) and (4) of KRS 258.990, unless the context requires otherwise:

- (1) "Department" means the Department of Agriculture;
- (2) "Commissioner" means the Commissioner of Agriculture;
- (3) "Committee" means the advisory committee created by KRS 258.115;
- (4) "Dog" means any member of the canine family, six (6) months of age or over;
- (5) "Owner," when applied to the proprietorship of a dog, includes every person having a right of property in the dog and every person who keeps or harbors the dog, or has it in his care, or permits it to remain on or about premises owned or occupied by him;
- (6) "Livestock" includes horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine and confined and domesticated hares and rabbits;
- (7) "Poultry" includes all domesticated fowl and all game birds which are legally kept in captivity;
- (8) "Kennel" means any establishment where dogs are kept for the purpose of breeding, sale, show or sporting purposes, and which is so constructed that dogs cannot stray therefrom;
- (9) "Livestock fund" means the fund created by KRS 258.125 for the purpose of administering its provisions.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 12, effective June 17, 1954.

258.105 Enforcement by commissioner of agriculture -- Employment and powers of personnel.

- (1) The Commissioner shall enforce the provisions of this chapter relating to the licensing and regulation of dogs and the protection of livestock from damage by dogs. The Commissioner may enter into agreements with local agencies and organizations for assistance in the enforcement of this chapter. The Commissioner shall promulgate rules and regulations for the enforcement of the licensing provisions of this chapter.
- (2) The department may employ personnel to carry out the provisions of this chapter. Such employees shall have all of the powers of peace officers in the enforcement of KRS 258.095 to 258.365 and subsections (3) and (4) of KRS 258.990 and may, upon displaying a badge of identification furnished by the department, enter upon any premises for the purpose of investigation.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 19, effective 17, 1954.

258.115 Advisory committee.

There shall be an advisory committee for the purpose of advising the Commissioner in the enforcement of the provisions of KRS 258.095 to 258.365 and subsections (3) and (4) of KRS 258.990. The committee shall be composed of the Commissioner, or his designate, and four (4) members appointed by the Governor as follows: one (1) from a list of three (3) persons nominated by the Bluegrass State Sheep Association, one (1) from a list of three (3) persons nominated by the Kentucky Purebred Livestock Association, one (1) from a list of three (3) persons nominated by kennel clubs of Kentucky and one (1) from a list of three (3) persons nominated by the Kentucky Veterinary Medical Association. If an organization herein named should cease to exist, or for any other reason fail to make nominations, the Governor shall name another nongovernmental but interested organization to nominate three (3) persons. The appointed members shall serve for terms of four (4) years and until their successors are appointed and qualify. The committee shall elect a chairman and shall meet at such time and place as he may designate. Four (4) members present at any meeting shall constitute a quorum. Upon the written request of any three (3) members, the chairman shall call a meeting of the committee at the time and place requested. Members who are not employed by the state shall receive twenty-five dollars (\$25) per day, payable from the livestock fund, for attendance at meetings and shall be reimbursed for any actual expense incurred in performing their duties. The committee shall be nonpartisan, not more than three (3) of the appointed members being affiliated with any one (1) political party.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 14, effective June 17, 1954.

258.125 Livestock fund created -- Expenditures -- Reversion of excess.

There is hereby created a revolving fund to be known as the livestock fund from which shall be paid all expenses of the department in administering the provisions of KRS 258.095 to 258.365 and subsections (3) and (4) of KRS 258.990. Expenditures from the fund shall not exceed two hundred thousand dollars (\$200,000) in any fiscal year without the approval of the committee. On January 1, 1957, and on January 1 of each year thereafter, all money in the livestock fund in excess of two hundred thousand dollars (\$200,000) shall revert to the general expenditure fund.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 15, effective June 17, 1954.

258.135 Dog licensure requirement -- Fees -- Fee collection and retention -- Date of license issuance.

- (1) On or before July 1, 1954, and on or before July 1 of each year thereafter, the owner of any dog six (6) months old or over shall apply to the dog warden of the county in which he resides for a license for each dog owned or kept by him. The application shall be accompanied by a license fee of one dollar and fifty cents (\$1.50) for each dog. Any license issued for the year of 1954 before July 1, 1954, shall be effective until July 1, 1955. Dog wardens shall be agents of the Commonwealth in the collection of the license fees provided for herein, unless the department determines, with the approval of the Governor, to issue all licenses either directly or through other agents. For services rendered in collecting and paying over the fee, dog wardens shall be allowed to retain the sum of twenty-five cents (\$0.25) for each license. The balance of the license fee collected shall be paid to the department on or before the fifteenth day of each next succeeding month and shall be credited to the livestock fund. If the committee finds it to be in the interest of maximum enforcement of this chapter to permit certain other portions of the license fee to be retained by the respective counties for use in enforcement, the department may allow these portions of the license fee to be so retained by the counties.
- (2) Any county may choose to issue the license in conjunction with effective dates of a valid rabies vaccination, provided the dog shall be licensed each fiscal year.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 16, effective June 17, 1954.

258.145 Licenses and tags -- Tattooing of dogs -- Tag to be affixed to collar -- Burden of proof of license.

- (1) A dog license bearing a serial number and such other information as will properly identify the dog shall be issued on a form prescribed and supplied by the department and shall be void on July 1, of the following year. Upon issuance of the license, the owner shall be furnished a tag prescribed and supplied by the department bearing a serial number corresponding with the serial number of the license. If a license or tag is lost a duplicate shall be issued at a charge determined by the department. The department may, if the committee deems such a plan practical, arrange for the tattooing of dogs under a system whereby tattoo marks shall serve as proof of

licensing in the event a tag is lost or is removed for good reason by a dog owner or keeper, but such tattooing shall be done only upon the request of the owner or keeper.

- (2) The tag shall be affixed to a substantial collar furnished by the owner which shall be kept on the dog at all times, and only the owner or his authorized agent shall remove the collar with attached tag from any dog.
- (3) No license or tag issued for one dog shall be transferable to another dog except as provided in KRS 258.165.
- (4) Except when a tattoo is used, any dog not bearing a tag shall prima facie be deemed to be unlicensed, and in any proceedings under this chapter the burden of proof of the fact that a dog has been licensed shall be on the owner of the dog.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 17, effective June 17, 1954.

258.155 License for part of year.

Any person becoming the owner of a dog which has not already been licensed after July 1 of any year, and the owner of any dog which becomes six (6) months old after July 1 of any year shall forthwith apply for and procure a license and tag for his dog in the same manner as the annual license is obtained.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 18, effective June 17, 1954.

258.165 Kennel licenses and tags.

- (1) Any person who keeps or operates a kennel may, in lieu of the license for each dog required by KRS 258.135, apply to the dog warden for a kennel license entitling him to keep or operate a kennel. Such application shall be accompanied by a license fee of ten dollars (\$10) for each license to keep ten (10) dogs or less and fifteen dollars (\$15) for each license to keep more than ten (10) dogs. Such license fees shall be collected, paid to the department, and credited to the livestock fund in the same manner as the regular dog license fees.
- (2) A kennel license shall be issued on a form prescribed and supplied by the department.
- (3) Upon the issuance of a kennel license, the person who keeps or operates the kennel shall be furnished a number of tags prescribed and supplied by the department equal to the number of dogs authorized to be kept in the kennel.
- (4) The licensee of a kennel shall keep a tag attached to a collar on each dog kept by him at all times, and such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 19, effective June 17, 1954.

258.175 Dogs to be kept in kennel.

- (1) No dog authorized to be kept by a kennel licensee shall be permitted to stray or be taken anywhere outside the limits of the kennel, except temporarily and in leash, or temporarily for the purpose of hunting, breeding, trial or show.
- (2) Any dog outside of the kennel in violation of subsection (1) of this section shall be considered as if never licensed.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 20, effective June 17, 1954.

258.185 Records of dog and kennel licenses.

Each dog warden shall keep a record of all dog and kennel licenses issued and shall report to the department monthly his license sales on a form prescribed and supplied by the department. The record maintained shall be a public record.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 21, effective June 17, 1954.

258.195 Employment of dog wardens -- Establishment and maintenance of pounds -- Refund of license fee portions to counties -- Wardens to appraise livestock losses.

- (1) On or before July 1, 1954, the fiscal court of each county shall employ a dog warden. On or before July 1, 1955, the fiscal court of each county shall establish and maintain a dog pound as a means of facilitating and administration of this chapter. In counties of small population, arrangements may be made for the joint establishment and operation of dog pounds by two (2) or more counties on a mutually satisfactory basis. Instead of setting up pounds, one (1) or more counties acting jointly may take advantage of the facilities of suitable pounds already in operation by counties, cities, humane societies, or other organizations or individuals. Fiscal courts may adopt and enforce regulations relative to pound standards, the naming of persons who shall serve as dog wardens, providing for the fixing of salaries of wardens and assistants, and such other matters that may be incidental to efficient and proper operation of the dog pound plan.
- (2) As a means of providing a portion of the funds for setting up and operating dog pounds, fifty cents (\$0.50) out of the one dollar and fifty cents (\$1.50) paid for every dog license sold in each county shall be credited by the department to a special enforcement fund to be refunded to the respective counties on a pro rata basis determined by the licenses sold in each county, and shall be used in meeting expenses of the dog warden and the dog pound plan.
- (3) Dog wardens may be designated as agents of the department for purposes of appraising livestock losses pursuant to KRS 258.275.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 22, effective June 17, 1954.

258.205 Dog temporarily in state need not be licensed -- Burden of proof.

- (1) Any person may bring, or cause to be brought into the state, for a period of not more than ninety (90) days, one or more dogs for show, trial, or breeding purposes without securing a license, and any person holding a Kentucky nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the state one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Kentucky by the states of such person's residence; provided, however, that each dog is equipped with a collar bearing a name plate giving the name and address of the owner.
- (2) In any proceedings under this chapter the burden of proof of the fact that a dog has been imported for hunting, breeding, trial or show purposes shall be upon the owner of the dog.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 23, effective June 17, 1954.

258.215 Seizure, impounding and destruction of dog lacking tag or other identification -- Exemption of hunting dog.

- (1) Peace officers shall seize and impound any dog which does not bear a proper license tag or other legible identification which is found running at large, but if an officer, after diligent effort to do so, should fail to seize such a dog, it shall then become his duty to destroy the dog by any reasonable and humane means. Any such dog which an officer seizes shall be impounded for seven (7) days, and if not claimed by the owner or sold in accordance with other provisions of this chapter, then such dog may be destroyed in some humane manner.
- (2) A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 24, effective June 17, 1954.

258.225 Peace officers required to perform duties -- Interference prohibited.

- (1) It shall be unlawful for any peace officer to refuse to perform his duties under the provisions of this chapter, or to refuse to assist in the enforcement of this chapter upon request of the Commissioner.
- (2) It shall be unlawful for any person to interfere with any officer or agent in the enforcement of this chapter.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 25, effective June 17, 1954.

258.235 Authority to kill dog -- Proceeding by person attacked by dog -- Vicious dog not to run at large.

- (1) Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or wounding or killing poultry, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this chapter. There shall be no liability on such person in damages or otherwise for such killing.
- (2) Any unlicensed dog, not accompanied by its owner or keeper, that enters any field or inclosure where livestock or poultry are confined shall constitute a private nuisance and the owner or tenant of such field, or his agent or servant, may kill such dog while it is in the field or inclosure, without liability or responsibility of any nature for such killing.
- (3) Subsection (2) of this section shall not apply to licensed dogs, when accompanied by their owner or handler, unless caught in the act of worrying, wounding, or killing any livestock, or wounding or killing poultry, or attacking human beings.
- (4) Any person who has been attacked by a dog, or anyone for such person, may make a complaint before the district court, charging the owner or keeper of such dog with harboring a vicious dog. A copy of such complaint shall be served upon the person so charged in the same manner and subject to the laws regulating the service of summons in civil actions directing him to appear for a hearing of such complaint at a time fixed therein. If such person fails to appear at the time fixed, or if upon a hearing of the parties and their witnesses, the court finds the person so charged is the owner or keeper of the dog in question, and that the dog has viciously and without cause, attacked a human being when off the premises of the owner or keeper, the court shall order the said owner or keeper to henceforth keep such dog securely confined.
- (5) For his services in such proceedings, the peace officer shall be entitled to the same fees to which he is entitled for performing similar services in civil cases. In all proceedings under this section, such court shall place the costs upon either party as he may determine.
- (6) It shall be unlawful for the owner or keeper of any vicious dog after receiving such order, to permit such dog to run at large, or to appear on the public highways unless in leash. Any such dog found running at large may be killed by any peace officer without liability for damages for such killings.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 26, effective June 17, 1954.

258.245 Licensed dogs as personal property -- Destruction, injury or poisoning prohibited.

- (1) All licensed dogs are hereby declared to be personal property and subjects of larceny. Except as provided in KRS 258.235, it shall be unlawful for any person,

except a peace officer, to destroy, injure, or poison, or attempt to destroy, injure, or poison, any dog which bears a license tag for the current year.

- (2) It shall be unlawful for any person to place any dog button or any poison of any description in any place, on his own premises or elsewhere where it may be easily found and eaten by dogs.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 27, effective June 17, 1954.

258.255 Confinement and control of female dog when in heat.

It shall be unlawful for the owner or keeper of any female dog to permit her to go beyond the premises of such owner or keeper at any time she is in heat, unless she is properly in leash.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 28, effective June 17, 1954.

258.265 Confinement and control of dogs at night -- Exemption of hunting dogs -- Destruction of dog running at large at night.

- (1) The owner or keeper of every dog shall at all times between the hours of sunset and sunrise of each day keep such dog:
 - (a) Confined within an inclosure from which it cannot escape, or
 - (b) Firmly secured by means of a collar and chain or other device so that it cannot stray beyond the premises on which it is secured, or
 - (c) Under the reasonable control of some person or, when engaged in lawful hunting accompanied by an owner or handler. A hound or other hunting dog which has been released from confinement for hunting purposes shall be deemed to be under reasonable control of its owner or handler while engaged in or returning from hunting, and, if such a hunting dog becomes temporarily lost from a pack or wanders from actual control or sight of its owner or handler, such owner or handler shall not be deemed to be in violation of the provisions of this section as a result of such dog's having become temporarily lost or having wandered from immediate control or sight of the owner or handler.
- (2) Any peace officer may destroy any dog found running at large between the hours of sunset and sunrise and unaccompanied and not under the control of owner or handler. However, a peace officer shall be under a duty to make a fair and reasonable effort to determine whether any dog found at large between sunset and sunrise is a hound or other hunting dog which has become lost temporarily from a pack or wandered from immediate control of its owner, or handler, and if he is reasonably sure that the dog is a hunting dog, then he shall not destroy the dog, unless it is found in the act of pursuing, worrying, or wounding livestock or wounding, killing poultry or attacking human beings.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 29, effective June 17, 1954.

258.275 Liability for property loss or injury by dog or coyote -- Procedures for enforcing claims for damages.

- (1) Any owner or keeper of a dog which has killed or injured livestock or poultry or which has bitten such livestock or poultry so severely as to necessitate its destruction, or injured or damaged any person or property, shall be liable to the owner of such livestock or poultry, or person in a civil action for all damages and costs, or to the Commonwealth.
- (2) Whenever any person sustains any loss or damage to any livestock or poultry by dogs, or any livestock or poultry of any person is necessarily destroyed because of having been bitten by a dog, except when such loss, destruction or damage shall have been caused by a dog harbored by the owner of such livestock or poultry, such person or his agent or attorney may, within seventy-two (72) hours after the damage is done, complain to a duly authorized agent of the department. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint, the agent of the department shall at once examine the place where the alleged loss or damage was sustained and the livestock or poultry injured or killed, and shall examine under oath or affirmation, any witnesses called before him. After making diligent inquiry in relation to such claim, such agent, acting as appraiser, shall determine whether any damage has been sustained and the amount thereof and, if possible, who was the owner of the dog or dogs by which such damage was done. If the owner does not agree as to the amount of damage allowed by the appraiser, the owner and appraiser may appoint a disinterested citizen to assist in determining the amount of damages sustained. For such services, the said disinterested citizen shall receive two dollars (\$2) and mileage at seven cents (\$0.07) per mile for the distance traveled, which shall be paid by the owner and considered as part of the costs in such claim.
- (3) In addition to the claims for damages provided in subsection (2) of this section, whenever any person sustains any loss or damage to his or her person or property as a result of being bitten by a dog, such person shall make a complaint in writing to a duly authorized agent of the department stating when, where, and how much damage was done, and by whose dog or dogs, if known. Upon receipt of such complaint said agent shall investigate and ascertain the extent of the claim, and if approved, make an appraisal of the damages. If any person sustaining a loss does not agree to amount of damages allowed by the appraiser, the person making the claim and the appraiser, may appoint a disinterested person to assist in determining the amount of damages sustained. No payment made out of the livestock fund for claims under this section shall exceed two hundred fifty dollars (\$250), and no payment shall be made, except under subsection (4) of this section, until the claimant shall certify that no payment was made by the owner of the dog or dogs doing the injury.

- (4) Whenever any person sustains any damage to his person or loss or damage to livestock, poultry or other property caused by a coyote, the person may file a complaint as provided in subsections (2) and (3) of this section and KRS 258.285.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 30, effective June 17, 1954.

258.285 Payments from livestock fund -- Subrogation of claimant's rights.

- (1) Upon receipt by the department of the appraisal report, the Commissioner, if he approves the report, shall certify the amount thereof, together with the costs of the proceeding, to the secretary of the Finance and Administration Cabinet who shall draw a warrant in the amount thereof on the State Treasurer payable out of the livestock fund. If the Commissioner does not approve the appraisal report, he shall ascertain the amount of damage sustained.
- (2) The Commonwealth shall succeed to all rights and interests of the owner of livestock or poultry which have been killed or injured by dogs or coyotes to the extent of any payment made out of the livestock fund.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 31, effective June 17, 1954.

258.295 Payment by dog owner bars payment from livestock fund -- Maximum sums for certain livestock and poultry -- Appraisal value.

- (1) No payment shall be made for any injury to or destruction of livestock or poultry if payment has been made by the owner of the dog or dogs doing the injury. The fact that no such payment has been made shall be certified by the claimant.
- (2) When any payment is made by the Commonwealth for any livestock or poultry killed or injured by a dog or a coyote, such payment shall not exceed two hundred dollars (\$200) for each horse or mule; two hundred fifty dollars (\$250) for each head of registered cattle; two hundred dollars (\$200) for each head of unregistered cattle; forty dollars (\$40) for each head of unregistered swine, sheep, or goats; eighty dollars (\$80) for each head of registered swine, sheep, or goats; six dollars (\$6) for each full-grown goose; ten dollars (\$10) for each full-grown turkey; and two dollars (\$2) for each head of other poultry or domesticated hare or rabbit. All appraisals under this chapter shall be of the actual value of the livestock, including poultry, killed or injured.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 32, effective June 17, 1954.

258.305 Compensation of dog owner where licensed dog is killed.

Owners of licensed dogs which are killed by any peace officer, without justification under the provisions of this chapter, shall be recompensed for the value of such dog out of the livestock fund in the same manner as owners of livestock or poultry killed or injured by dogs are recompensed. The proceeding for appraisal of the value of the dog and payment

of the claim shall conform to the procedures prescribed by KRS 258.275 and 258.285, except that no claim shall exceed one hundred dollars (\$100).

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 33, effective June 17, 1954.

258.325 Confinement and destruction of dog found to have caused loss or damage to livestock, persons or poultry -- Harboring of unlicensed dog forfeits rights in livestock fund.

- (1) If, in the report of the appraiser, the name of the owner of any dog or dogs having caused loss or damage to any livestock or poultry or person is definitely and conclusively shown or if written complaint is filed with the commissioner by any owner of livestock or poultry against any dog, stating that such dog has been seen pursuing or worrying livestock or poultry, and if such charge is proven by investigation on the part of the department, the commissioner may notify the owner or keeper of such dog to immediately destroy the same, whereupon it shall be unlawful and a violation of this chapter for such owner, or keeper to permit or cause such dog, while alive, to leave or to be removed from such premises. The destroying of such dogs shall not remove the liability of the owner for such damage done by his dog. Upon failure of such owner to comply with such order within a period of ten (10) days, any peace officer, upon notice from the department, shall destroy such dog wherever found. For such service he shall be entitled to a fee of one dollar (\$1.00) for each dog destroyed, to be paid out of the livestock fund upon presentation to the department of satisfactory proof that such dog has been destroyed by him.
- (2) Any person who owns or harbors an unlicensed dog shall forfeit any right to be reimbursed out of the livestock fund for any damage to his livestock or poultry by dogs.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 41, effective June 17, 1954.

258.335 False statements and concealment of facts prohibited.

It shall be unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any of the provisions of this chapter.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 36, effective June 17, 1954.

258.345 Quarantine of dogs in case of excessive damage to livestock, poultry or domestic game birds.

- (1) When the inhabitants of any city, or county, or any part thereof, have suffered an excessive amount of damage to livestock or poultry or domestic game birds by dogs, a petition may be presented to the commissioner, signed by twenty (20) or more of such inhabitants who are owners of livestock or poultry, alleging such excessive damage and requesting that a quarantine be placed on all dogs within the limits of

such city, or county, or such part thereof. Upon receipt of such petition, the department may, through its authorized agents, have an investigation made of the facts alleged therein, and, if convinced that conditions in such city, county, or such designated area demand such stringent measures, may establish a dog quarantine therein.

- (2) When such a quarantine is established, at least ten (10) notices thereof shall be posted throughout the area affected thereby, and notice thereof shall also be published pursuant to KRS chapter 424, in the city, or county.
- (3) It shall be unlawful for any person, residing in the area affected by such quarantine, to permit a dog owned or harbored by him to run at large in such quarantined area, or to leave the premises where it is kept, unless accompanied by and under the control of the owner or handler.
- (4) Any peace officer may destroy any dog running at large in a quarantined area, in violation of such quarantine, without any liability for such destruction.

History through 1968: Amended 1966 Ky. Acts ch. 239, sec. 177. -- Created 1954 Ky. Acts ch. 119, sec. 37.

258.355 Nonliability of state for losses, injuries or destruction of livestock, poultry or dogs except claims arising after June 30, 1954.

- (1) Notwithstanding any of the provisions of this chapter, the Commonwealth of Kentucky shall not be liable for any loss, injury to, or destruction of livestock, poultry, or licensed dog under any of the terms or provisions of KRS 258.095 and 258.990 except as to such claims arising after June 30, 1954, and then only to the extent that moneys may be available in the livestock fund for the payment of such claims. Within the meaning of this section, the loss, injury to, or damage of livestock, poultry or licensed dog must happen or occur after June 30, 1954.
- (2) All claims made in accordance with this section for loss, injury to or destruction of livestock, poultry or licensed dog for the period preceding June 30, 1955 shall be paid not later than April 1, 1956 if there be sufficient moneys available in the livestock fund for such payment. The provisions of this subsection shall not be construed as affecting the rights of those persons who may have valid claims under this section but have not presented same for payment prior to April 1, 1955.

History through 1968: Amended 1956 Ky. Acts ch. 120, sec. 1, effective February 27, 1956. -- Created 1954 Ky. Acts ch. 119, sec. 38.

258.365 Other state and local laws not affected.

Nothing in this chapter shall be construed to prohibit or limit the right of any city to pass or enforce any ordinance with respect to the regulation of dogs, the provisions of which are not inconsistent with the provisions of this chapter. Nothing in this chapter shall be construed to repeal any of the provisions of the fish and game laws of the Commonwealth of Kentucky now in effect, nor any laws relating to the powers and duties of the secretary

for human resources, or any health officer relating to mad dogs or dogs affected with any disease, or to prohibit the destroying of licensed or unlicensed dogs in accordance with the provisions of any quarantine regulations, made in accordance with the provisions of any local or state health law.

History through 1968: Created 1954 Ky. Acts ch. 119, sec. 39, effective June 17, 1954.

258.500 Persons with guide dogs not to be denied accommodations, transportation, or elevator service -- Conditions.

- (1) When a blind person is accompanied by a guide dog, neither the blind person nor the dog shall be denied admittance to any hotel, motel, restaurant, or eating establishment, nor shall the blind person be denied full and equal accommodations, facilities, and privileges of all public places of amusement, theater, or resort when accompanied by a guide dog.
- (2) Any blind person accompanied by a guide dog shall be entitled to full and equal accommodations on all public transportation, if the guide dog shall not occupy a seat in any public conveyance, nor endanger the public safety.
- (3) The blind person shall not be required to pay additional charges or fare for the transportation of any accompanying guide dog.
- (4) Any blind person accompanied by a guide dog shall not be denied admittance and use of any public building, nor denied the use of any elevator operated for public use.
- (5) Any blind person accompanied by a guide dog may keep the animal in his or her immediate custody while a tenant in any apartment, or building used as a public lodging.
- (6) The provisions of this section shall not apply unless the guide dog has been trained by a recognized training agency or school, and is properly harnessed.
- (7) All blind persons accompanied by a trained guide dog shall have in their personal possession a certificate issued by the guide dog training agency or school establishing that their dogs have been so trained.
- (8) The provisions of this section shall not apply unless the blind master complies with the legal limitations applicable to sighted persons and unless all requirements of KRS 258.015, 258.135 and 258.145 have been complied with.
- (9) The provisions of this section shall also apply to any deaf person accompanied by a dog trained to aid the deaf. As used in this section, "deaf person" means a person described in KRS 30A.410(1)(a).
- (10) The provisions of this section shall also apply to any mobility-impaired person accompanied by a dog trained to provide support or assistance for a mobility-impaired person. As used in this section, "mobility-impaired person" means any person, regardless of age, who is subject to a physiological defect or deficiency, regardless of its cause, nature or extent, that renders the person unable to move about without the aid of crutches, a wheelchair, or any other form of support, or that

limits the person's functional ability to ambulate, climb, descend, sit, rise, or to perform any related function.

History through 1968: Created 1966 Ky. Acts ch. 118, secs. 1 to 4.

Penalties

258.990 Penalties.

- (1) Any person who violates KRS 258.015, 258.035, 258.055, 258.065 or 258.085, shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100). Each day of violation shall constitute a separate offense.
- (2) The owner of any dog not vaccinated according to the provisions of this chapter shall be liable to pay all damages for personal injuries resulting from the bite of such dog, if rabid.
- (3) Any person violating or failing or refusing to comply with KRS 258.095 to 258.365 and subsections (3) and (4) of this section shall, upon conviction, be fined not less than five dollars (\$5) and not more than one hundred dollars (\$100) or be imprisoned for not less than five (5) nor more than sixty (60) days or both so fined and imprisoned.
- (4) All fines collected under subsection (3) of this section shall after costs and commissions have been deducted, be paid to the department to be credited to the livestock fund.

History through 1968: Amended 1958 Ky. Acts ch. 126, sec. 34. -- Recreated 1954 Ky. Acts ch. 119, secs. 11 and 40. -- Repealed 1954 Ky. Acts ch. 119, sec. 41. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 68a-8, 68a-9, 68b-20, 68b-33.

258.991 Penalty.

Any person violating KRS 258.500 shall be punished by a fine of not less than twenty-five dollars (\$25), nor more than one hundred dollars (\$100), or by imprisonment in the county jail for not less than 10 nor more than 30 days, or both.

History through 1968: Created 1966 Ky. Acts ch. 118, sec. 5.

Attachment B

TITLE 302, CHAPTER 5 - DOG LAW ADMINISTRATION

CHAPTER 5 DOG LAW ADMINISTRATION

- 010. Definitions.
- 030. Inspection by fieldmen.
- 040. Evaluation table.
- 050. Insurance coverage.
- 060. Payment of claims; criteria.
- 070. Issuance of licenses.

302 KAR 5:010. Definitions.

RELATES TO: KRS Chapter 258

STATUTORY AUTHORITY: KRS Chapter 258

NECESSITY AND FUNCTION: This administrative regulation is necessary to define terms used in KRS 258.095 to 258.990.

Section 1. The definitions used in the administrative regulations of this chapter are those set out in KRS 258.095. (1 Ky.R. 733; eff. 5-14-75.)

302 KAR 5:030. Inspection by fieldmen.

RELATES TO: KRS 258.275

STATUTORY AUTHORITY: KRS 258.275

NECESSITY AND FUNCTION: Gives authority to Department of Agriculture regular field personnel to inspect livestock or poultry damages caused by stray dogs when loss exceeds fifty (50) dollars.

Section 1. The department's regular field personnel shall accompany the dog warden to the scene where damage to livestock has occurred, when the amount exceeds fifty (50) dollars and it is feasible and practical to do so. (Agr. Dog: 20; 1 Ky.R. 734; eff. 5-14-75.)

302 KAR 5:040. Evaluation table.

RELATES TO: KRS 258.295(2)

STATUTORY AUTHORITY: KRS 258.285

NECESSITY AND FUNCTION: KRS 258.295(2) prescribes the amount to be paid from the livestock fund for damage or destruction to livestock or poultry by dogs. This administrative regulation establishes the evaluation table that shall govern payment by age groups.

Section 1. In determining the amount to be paid from the livestock fund for damage or destruction to livestock by dogs, the following table shall govern:

(1) Grade sheep:

Ewes:	
1 year old	\$20
2 years old	20
3 years old	18
4 years old	15
5 years old	14
6 years old	12
Broken or short mouth	5
Culls	4
Rams	20
Lambs	\$5 to 15

(2) Registered sheep:

Ewes:	Payment shall be twice that of grade sheep by age group.
Rams	\$40

(3) Other:

Horses or mules	\$25 to \$100
Registered cattle	50 to 125
Grade cattle	25 to 100
Registered swine or goats	10 to 40

Grade swine or goats	5 to 20
Full-grown geese	0.50 to 3
Full-grown turkeys	1 to 1
Chickens	0.25 to 1

(Agr. Dog: 30; 1 Ky.R. 734; eff. 5-14-75.)

302 KAR 5:050. Insurance coverage.

RELATES TO: KRS 258.285(1)

STATUTORY AUTHORITY: KRS 12.080, 258.105

NECESSITY AND FUNCTION: This administrative regulation prescribes the amount that can be paid from the livestock fund when the loss is covered by insurance.

Section 1. When payment is made by an insurance company or by a sheep growers association to a producer claimant for damages done by dogs to livestock and full value received, a second payment shall not be made from the livestock fund. If only partial value of the livestock is paid by the insurance, a claim may be filed for the difference of what was paid by the insurance contract and the actual value of the loss. (Agr. Dog: 40; 1 Ky.R. 734; eff. 5-14-75.)

302 KAR 5:060. Payment of claims; criteria.

RELATES TO: KRS 258.195(1), 258.285(1)

STATUTORY AUTHORITY: KRS 258.105(1), 258.285(1)

NECESSITY AND FUNCTION: This administrative regulation prescribes additional compliance provisions for counties in order for claimants to be eligible to be reimbursed from the livestock fund.

Section 1. Before any appraisal report, from any county wherein the appraisal report originated, shall be considered for approval by the commissioner, it shall be necessary for the county to comply with the following provisions.

- (1) The county must have employed a dog warden.
- (2) The county must have established a dog pound.
- (3) The county dog warden must offer dog licenses for sale.
- (4) The county dog warden must be designated as an agent of the department for the purpose of appraising livestock and poultry losses. (Agr. Dog: 50; 1 Ky.R. 734; eff. 5-14-75.)

302 KAR 5:070. Issuance of licenses.

RELATES TO: KRS 258.105(1), 258.135

STATUTORY AUTHORITY: KRS 258.105, 258.135

NECESSITY AND FUNCTION: This administrative regulation implements KRS 258.135 and 258.105 which outline duties of the commissioner as pertains to enforcement of KRS Chapter 258.

Section 1. The department is herewith authorized to issue dog licenses in the various counties of the Commonwealth through state agents appointed by the commissioner pursuant to the authority vested in the department under the terms of KRS 258.135 and approved by the governor as required therein. (Agr. Dog: 70; 1 Ky.R. 734; eff. 5-14-75.)

